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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,908	08/16/2000	Raymond Anthony Joao	RJ251	3583

7590 09/25/2002

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Yonkers, NY 10703

EXAMINER

BERGIN, JAMES S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,908

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

James S. Bergin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This correspondence is in response to the amendments filed 12/18/2001 and 8/20/2002.
2. Claims 41 and 43-60 have now been canceled. Claim 42 remains pending.
3. Applicants' arguments filed on 12/18/2001 and 8/20/2002 have been fully considered, and found non-persuasive. Therefore, claim 42 is rejected under 35 U.S.C. 102 as being unpatentable over the art cited below, and Applicant's request for allowance is denied.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Homi Byramji [Databases boost fundamental analysis (automation in the investment industry), Wall Street Computer Review, Nov. 1988, Vol. 6, No. 2, page 46(8)] (hereinafter called Byramji).

Byramji discloses an apparatus for providing financial information and/or investment information, comprising: a database ("...databases...", page 2, lines 34-37; "... large databases...", page 2, line 22 and page 3, lines 17-21), wherein said database stores information regarding at least one factor and information regarding at least one of

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a stock (page 7, line 12), a bond, a security (page 1, line 14), securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account, which can be correlated ("...calculate...", page 2, line 48 and page 5, lines 9-16) with said at least one factor (page 1, line 46); a receiver ("...users can download standard, analytic or financial...", page 2, lines 57-58; "...users have unlimited dial-up access to Fact Set's mainframe...", page 3, lines 14-16; "...users dial into the IDC computers ...on line...", page 3, line 52; and "... installed on user's in-house computers and... networks...", page 6, lines 26-27), wherein said receiver receives a request from an individual for information regarding at least one of a state of, a value of, a change in value of, and a percent change in, said at least one factor, and information regarding at least one of a stock (page 7, line 12), a bond (page 1, line 14), a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an

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account, which can be correlated ("...calculate...", page 2, line 48 and page 5, lines 9-16) with said at least one factor (page 1, line 46); a processor ("computer", page 1, line 16, page 2, line 4 and "processing", line 43, "software", page 3, lines 28-30), wherein said processor processes said request in conjunction with said information stored in said database, and further wherein said processor generates a report, wherein said report contains information regarding at least one of a state of, a value of, a change in value of, and a percent change in, said at least one factor and information regarding at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account, which is correlated with at least one of a state of, a value of, a change in value of, and a percent change in, said at least one factor, wherein said report (page 3, lines 4-6 and 17-25, and page 7, line 8) further contains at least one of historical information, statistical information and forecasting information; and a transmitter ("appropriate delivery vehicle", page 2, line 23, and "on-line", page 3, line 53), wherein said transmitter transmits said report (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8) to a communication device associated with the individual.

For further details of the extent of the Byramji disclosure and how it relates to the applicants invention, please consult the previous office action mailed on 9/27/2001 (paper number 6).

Response to Arguments

6. Applicant's arguments filed 12/18/2001 and 8/20/2002 have been fully considered but they are not persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 703 308-8549. The examiner can normally be reached on Monday-Thursday 8.30-6.00 and on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications and 703 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.



James S. Bergin
September 21, 2002



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600